

AMENDED IN ASSEMBLY APRIL 6, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 899

Introduced by Assembly Member Ridley-Thomas

February 18, 2005

An act to add Section 12303.45 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 899, as amended, Ridley-Thomas. In-home support *supportive* services.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, a contract between the county and a nonprofit consortium, or the creation by the county of a public authority. Existing law defines “supportive services” for purposes of the program, and establishes a the maximum monthly amount of services an eligible person may receive.

This bill, notwithstanding existing law, would ~~include any hours that the~~ *authorize a service provider participates in a job service training program to receive wages for up to 6 hours of prescribed instruction approved by the county in the applicable department and pursuant to a collective bargaining agreement as part of if it qualifies for the maximum number of service hours allowed to an eligible recipient federal participation.* The bill would provide that the number

~~of job service training hours does not increase the number of hours to which a recipient of services is entitled, and that the number of job service training hours will be prorated between all recipients for which the provider provides services.~~

By increasing the duties of counties administering the IHSS program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12303.45 is added to the Welfare and
2 Institutions Code, to read:

3 12303.45. (a) ~~Notwithstanding Sections 12300 and 12303.4,~~
4 ~~the maximum monthly number of service hours allowable to an~~
5 ~~eligible recipient under this article shall include any hours that~~
6 ~~the service provider participates in a job service training program~~
7 ~~approved by the county in the applicable collective bargaining~~
8 ~~agreement. The number of job service training hours shall not~~
9 ~~increase the number of hours to which a recipient of services is~~
10 ~~entitled under this article.~~

11 ~~(b) If a provider under this article provides services to more~~
12 ~~than one recipient, the number of hours of job service training~~
13 ~~shall be prorated between all recipients.~~

14 *any provision of law to the contrary, a provider of in-home*
15 *supportive services may receive wages for up to six hours of*
16 *instruction if all of the following conditions are met:*

17 *(1) The instruction is provided under the supervision of a*
18 *registered nurse, a licensed vocational nurse, or a certified nurse*
19 *assistant.*

20 *(2) The instruction meets all of the following criteria:*

1 (A) It is bargained for between the representatives of the
2 service providers and the employer of record.

3 (B) It is approved by the State Department of Social Services.

4 (C) It qualifies for the maximum federal participation.

5 (b) The instruction set forth in subdivision (a) shall be
6 provided in any of the following fields:

7 (1) Basic safety and emergency procedures.

8 (2) Personal care skills and assisting with activities of daily
9 living.

10 (3) Promoting the independence and respecting the rights of
11 consumers.

12 (4) Communication and interpersonal skills.

13 (5) Basic infection prevention and control procedures.

14 (6) Elder abuse identification.

15 (7) Recognition of the symptoms of Alzheimer's disease.

16 (c) The training shall be eligible for state financial
17 participation only to the extent that funds have been
18 appropriated in the annual Budget Act or other statute to provide
19 this training for in-home supportive service providers.

20 SEC. 2. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.